

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LULAC, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No.: EP-21-CV-00259-JES-JVB
[Lead Case]

DECLARATION OF SENATOR BEVERLY POWELL

Pursuant to 28 U.S.C. § 1746, I, Beverly Powell, declare that:

1. I am over 18 years of age and competent to testify.
2. I regularly voted in elections and intend to vote in the 2022 election and subsequent elections.
3. I am Anglo and am the incumbent Democratic state senator representing District 10 in the Texas state senate. I have held this position since 2019.
4. I was elected in 2018 with overwhelming support from SD10's Black and Latino voters, and a portion of Anglo crossover voters.
5. I was encouraged to run for SD10 by Roy Brooks, who is the Commissioner for Tarrant County Precinct 1.
6. On October 30, 2019, I sent a letter to Sen. Joan Huffman, the Chair of the Senate Select Committee on Redistricting, to invite the Committee to attend a hearing in SD10 and to provide Sen. Huffman with some information about my district, including its vibrant and growing

minority community Attached as Exhibit A to my declaration is a true and correct copy of this letter.

7. On February 18, 2020, I sent Sen. Huffman a letter inviting the Senate Select Committee on Redistricting to hold a hearing at Tarrant County College South. Attached as Exhibit B to my declaration is a true and correct copy of this letter.

8. On November 19, 2020, my Chief of Staff Garry Jones and I met with Sen. Huffman and her aide Sean Opperman to discuss the redistricting process. We met in the Sam Houston building on the fourth floor. When Mr. Jones and I arrived, there were maps of SD10 sitting on the table for us.

9. During this meeting, I discussed how SD10's population was majority minority.

10. On September 14, 2021, Mr. Jones and I attended a meeting with Sen. Huffman and her aides Mr. Opperman and Anna Mackin on the fourth floor of the Sam Houston building. Mr. Jones and I arrived early and waited, and when we were called in by Sen. Huffman, there was a map of the newly drawn SD10 on a projector screen, and Mr. Opperman and Ms. Mackin were seated at computers. The image of SD10 displayed on the screen cleaved the benchmark district's minority populations apart and added Parker and Johnson Counties instead.

11. I informed Sen. Huffman that the benchmark SD10 was close to ideal population and there was no reason to make any changes to its boundaries.

12. I handed Sen. Huffman a series of maps of benchmark SD10 with racial shading to illustrate how the proposed plan cleaved apart SD10's minority communities. These included a map showing the location of SD10's Black community, its Hispanic community, its Asian and Other Race Community, a map of the combined Black and Hispanic community, a map showing all minorities combined, a map of the Anglo community, and a map showing how the minority

communities in SD10 supported me in the 2018 election. Attached as Exhibit C to my declaration are true and correct copies of the materials I provided to Sen. Huffman.

13. As I handed each map to Sen. Huffman, I read aloud the header indicating which racial demographic the map showed. Sen. Huffman looked at each map as I handed them to her. Sen. Huffman asked that we each initial and date the maps, which we did.

14. During the floor debate on SB4, Sen. Huffman said that she only “glanced” at the *first* map “for less than a second” and once she “realized it had racial data,” she “turned it over flat and [] said, I will not look at this.” Sen. Huffman did not need to look at the map first to know it showed racial data; I read the header on the map listing the racial data it contained as I handed it to Sen. Huffman. Moreover, Sen. Huffman reviewed the map for longer than “less than a second,” and I do not recall her saying “I will not look at this.” In fact, Sen. Huffman looked at each map as I handed them to her.

15. After Sen. Huffman was done viewing the maps, Mr. Jones asked to see some more details on the computer screen of the redrawn SD10.

16. I then provided Sen. Huffman with excerpts from the 2012 federal court ruling that ruled the 2011 effort to dismantle SD10 intentionally racially discriminatory, and Sen. Huffman acknowledged she was aware of the decision. The meeting ended shortly thereafter.

17. I was never informed by Sen. Huffman or her staff prior to the September 14, 2021 meeting that SD10 would be changed in this manner.

18. I sent a series of letters, maps, a fact sheet, and the federal court decision to illustrate my objection to Sen. Huffman’s proposal to dismantle SD10 as a performing crossover district for minority voters. I sent these to Sen. Huffman, all my senate colleagues, the House Redistricting Committee, and all members of the House.

19. After the September 14, 2021 meeting, Sen. Huffman never contacted me or my staff to discuss any changes to SD10, even though it was amended several times before the final plan was adopted and even though Sen. Huffman contacted other senators affected by the changes.

20. For example, the Senate Select Committee on Redistricting was scheduled to hold its first public hearing on the proposed senate plan at 10 AM CDT on September 24, 2021. At around 9 or 9:30 PM CDT on September 23, 2021, on the eve of that hearing, Sen. Huffman released a new version of the plan, eliminating about half of Parker County from the original proposal for SD10, and adding Palo Pinto, Stephens, Shackelford, Callahan, and Brown Counties. These counties came from three different benchmark senate districts, SD28 (Sen. Perry), SD30 (Sen. Springer), and SD24 (Sen. Buckingham). I was never contacted about these changes.

21. The change was so last minute that the large blown-up maps the Committee staff had printed and placed on easels for the public hearing on September 24, 2021 were the incorrect maps. Sen. Huffman explained that there was not time to print ones in time for the hearing.

I declare under penalty of perjury that the foregoing is true and correct.

November 23, 2021


Beverly Powell